



# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold  
Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

May 11, 2010

Certified Mail No. 7009 1410 0002 2347 4398

Mr. Willie Gaters  
San Diego Gas & Electric  
8315 Century Park Court CP21E  
San Diego, CA 92123-1548

File No.	09C-092
WDID	9000002003
Reg. Meas.	372307
Place	747576
Party	43008
Person	520616

**SUBJECT:** Action on Request for Clean Water Act Section 401 Water Quality Certification for the ETS 6006 Carlsbad Pole Replacements P26567 & P265268 Project, Water Quality Certification No. 09C-092

Dear Mr. Gaters:

Enclosed is the Clean Water Act Section 401 Water Quality Certification for the ETS 6006 Carlsbad Pole Replacements P26567 & P265268 project. A description of the project and project location can be found in the project information sheet, project location map, and project site maps which are included as Attachments 1 through 3.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that San Diego Gas & Electric has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification may result in enforcement actions against San Diego Gas & Electric.

The heading portion of this letter includes a San Diego Water Board code number noted after "In reply, refer to:" In order to assist us in the processing of your correspondence please include these codes number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

*California Environmental Protection Agency*

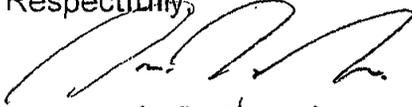
*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

Mr. Gaters  
401 Certification 09C-092

May 11, 2010

If you have any questions regarding this notification, please call Mike Porter directly at (858) 467-2726 or via email at [mporter@waterboards.ca.gov](mailto:mporter@waterboards.ca.gov).

Respectfully,



for *James G. Smith, AED*  
DAVID W. GIBSON

Executive Officer  
Regional Water Quality Control Board

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 09C-06<sup>9</sup>2 for the ETS 6006 Carlsbad Pole Replacements P26567 & P265268 project, with 3 attachments.

cc: See Attachment 2 in Certification No. 09C-06<sup>9</sup>2

*California Environmental Protection Agency*



Linda S. Adams  
Acting Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold  
Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

Action on Request  
for  
Clean Water Act Section 401 Water Quality Certification  
and  
Waste Discharge Requirements  
for  
Discharge of Dredged and/or Fill Materials

**PROJECT:** ETS 6006 Carlsbad Pole Replacements P26567 & P265268  
Certification Number 09C-092

**APPLICANT:** Mr. Willie Gaters  
San Diego Gas & Electric  
8315 Century Park Court CP21E  
San Diego, CA 92123-1548

File No.	09C-092
WDID	9000002003
Reg. Meas.	372307
Place	747576
Party	43008
Person	520616

**ACTION:**

<input checked="" type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

**PROJECT DESCRIPTION:**

The proposed project is the replacement of two utility poles in the salt marsh of Buena Vista Lagoon. The pole replacements will involve the use of a line truck to pull out the existing poles from the ground. Once the poles have been removed the linetruck will then set the new poles into the existing holes. A second line truck will be used to support the conductors during the change out. Once the lines are transferred to the new poles, the old poles will be transferred from the site using a bucket truck. Depending on the condition of the holes after the old poles have been removed, an auger may be used to clean any collapsed soil from the holes. If spoils are cleared from the holes they will be taken back to the SDG&E North Coast District Yard operating center. Decomposed granite may

*California Environmental Protection Agency*

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

Recycled Paper

OHONNHU

also be used to fill the hole once the new poles are installed for compaction purposes and to stabilize the new poles. Mud sills may also be used to further support the new poles.

#### **STANDARD CONDITIONS:**

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

#### **ADDITIONAL CONDITIONS:**

In addition to the three standard conditions, San Diego Gas & Electric must satisfy the following:

##### **A. GENERAL CONDITIONS:**

1. San Diego Gas & Electric must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board (San Diego Water Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede conflicting provisions within such plans submitted prior to the certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.

2. During construction, San Diego Gas & Electric must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
3. San Diego Gas & Electric must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
  - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  - b. Access to copy any records required to be kept under the terms and conditions of this certification.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
  - d. Sampling of any discharge or surface water covered by this Order.
4. San Diego Gas & Electric must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
5. San Diego Gas & Electric must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
6. This Certification is not transferable to any person except after notice to the Executive Officer of the San Diego Water Board. San Diego Gas & Electric must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification.
7. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

8. In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
9. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually there after, San Diego Gas & Electric must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. San Diego Gas & Electric must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. The General Waste Discharge Requirement are accessible at:  
[http://www.waterboards.ca.gov/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
3. San Diego Gas & Electric must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
5. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows.
6. All areas that will be left in a rough graded state must be revegetated with native plant species no later than one week after completion of grading. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
7. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be

prevented from contaminating the soil and/or entering waters of the United States and/or State. Best Management Practices (BMPs) must be implemented to prevent such discharges during each project activity involving hazardous materials.

**C. CONSTRUCTION AND POST-CONSTRUCTION STORM WATER MANAGEMENT:**

As proposed in the December 14, 2009 Application to the Regional Board, the Best Management Practices must include, but not be limited to:

Construction –

1. Conducting work remotely from the shoulder of the highway.
2. Straw wattles.
3. Silt (erosion) fencing.

Post-construction -

4. Revegetating disturbed areas.

**D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE:**

1. The proposed temporary impacts to Waters of the U.S. and State must not exceed 0.0018-acre (80-ft<sup>2</sup>) of vegetated waters.
2. Mitigation must be achieved by the restoration of the impacted areas no later than one week after construction activities.

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On December 14, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public. No comments were received.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Mike Porter  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
858-467-2726  
mporter@waterboards.ca.gov

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the **ETS 6006 Carlsbad Pole Replacements P26567 & P265268** (Certification No. 09C-092) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

  
 for James G. Smith, AEO  
 DAVID W. GIBSON  
 Executive Officer  
 Regional Water Quality Control Board

10 May 10  
 Date

Attachments:

1. Project Information
2. Distribution List
3. Maps and Figures

**ATTACHMENT 1**

**PROJECT INFORMATION**

**Applicant:** Mr. Willie Gaters  
San Diego Gas & Electric  
8315 Century Park Court CP21E  
San Diego, CA 92123-1548  
Telephone: 858-637-3726  
Facsimile: 858-637-3700  
Email: wgers@semprautilities.com

**Applicant Representatives:** Ms. Erin Schorr,  
Senior Biologist  
ICF Jones & Stokes  
9775 Businesspark Avenue  
Suite 200  
San Diego, CA 92131-1642  
Telephone: 858-578-8964  
Facsimile: 858-578-0573  
Email: eschorr@jsanet.com

**Project Name:** ETS 6006 Carlsbad Pole Replacements P26567 & P265268

**Project Location:** The ETS 6006 Carlsbad Pole Replacements P26567 & P265268 project is located next to Pacific Coast Highway, within Buena Vista Lagoon, City of Carlsbad, north-coastal San Diego County. The centers of the two-pole project are located at approximately:  
  
Latitude 33° 11' 5.98" north, longitude -117° 31' 24.09" east.  
Latitude 33° 10' 3.90" north, longitude -117° 31' 21.90" east.

**Type of Project:** Utility poles (2) replacement.

**Need for Project:** The existing wooden poles have deteriorated and need to be replaced.

**Project Description:** The pole replacements will involve the use of a line truck to pull out the existing poles from the ground. Once the poles have been removed the linetruck will then set the new poles into the existing holes. A second line truck will be used to support the conductors during the change out. Once the lines are transferred to the new poles, the old poles will be transferred from the site using a bucket truck. Depending on the condition of the holes after the old poles have been removed, an auger may be used to clean any collapsed soil from the holes. If spoils are cleared from the holes they will be taken back to the SDG&E North Coast District Yard operating center. Decomposed granite may also be used to fill the hole once the new poles are installed for compaction purposes and to stabilize the new poles. Mud sills may also be used to further support the new poles.

**Federal Agency/Permit:** U.S. Army Corps of Engineers §404, NWP 12; Mr. Robert Smith.

**Other Required Regulatory Approvals:** California Department of Fish and Game §1602, Streambed Alteration Agreement; Ms. Kelly Fisher.

**California Environmental Quality Act (CEQA) Compliance:** This project is categorically exempt under CEQA for maintenance activities of existing facilities in accordance with Title 14, California Code of Regulations, Chapter 3, Article 19, Categorical Exemptions, §15301 (b) Existing Facilities.

Specifically, Class 1 facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

**Receiving Water:** Buena Vista Lagoon salt marsh. Carlsbad hydrologic unit, Buena Vista Creek hydrologic area, El Salto hydrologic subarea (904.21).

**Affected Waters of the United States and State:**

<b>Temporary:</b>	
Wetland -	0.0018-acre, 80-ft <sup>2</sup>
Riparian -	None
Streambed -	None
Lake -	None
Ocean -	None

Permanent:

Wetland - None  
Riparian - None  
Streambed - None  
Lake - None  
Ocean - None

Dredge Volume: None

Related Projects Implemented/to be Implemented by the Applicant(s): None disclosed.

Compensatory Mitigation: Compensatory mitigation will be accomplished by restoring the impacted areas to pre-project conditions.

Best Management Practices (BMPs): Proposed BMPs include:

1. Conducting most of the work remotely from the highway.
2. Straw wattles and erosion control fencing will be placed around work areas.
3. Silt (erosion) fencing
4. Revegetating disturbed areas.

Public Notice: December 14, 2009

Fees: Total Due: \$640.00  
Total Paid: \$640.00

File No.	09C-092
WDID	9000002003
Reg. Meas.	372307
Place	747576
Party	43008
Person	520616

**ATTACHMENT 2  
DISTRIBUTION LIST**

Mr. Robert Smith  
U.S. Army Corps of Engineers  
San Diego Field Office  
6010 Hidden Valley Road  
Suite 105  
Carlsbad, CA 92011  
[Robert.R.Smith@spl01.usace.army.mil](mailto:Robert.R.Smith@spl01.usace.army.mil)

Mr. Eric Raffini  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

State Water Resources Control Board  
Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-0100  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

U.S. Department of the Interior  
Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92011

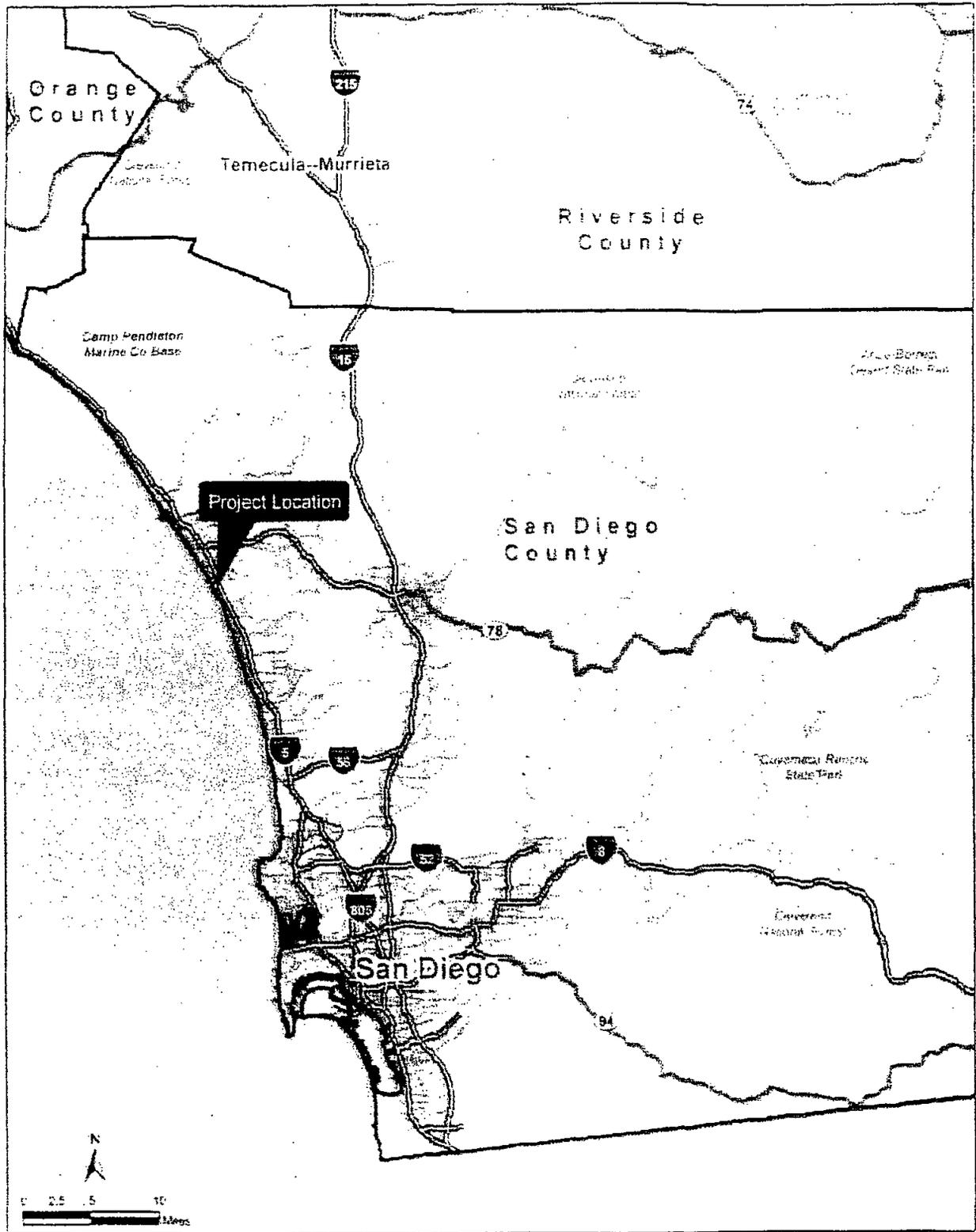
Ms. Kelly Fisher  
California Department of Fish and Game  
South Coast Region  
Habitat Conservation Planning – North  
4949 Viewridge Avenue  
San Diego, CA 92123

Ms. Erin Schorr,  
Senior Biologist  
ICF Jones & Stokes  
9775 Businesspark Avenue  
Suite 200  
San Diego, CA 92131-1642  
[eschorr@jsanet.com](mailto:eschorr@jsanet.com)

Water Quality Certification No. 09C-092

ATTACHMENT 3

MAPS AND FIGURES



Source: USGS, Streetmap USA, 2001

Jones & Stokes

Figure 1  
Regional Location  
SDGE - Carlsbad

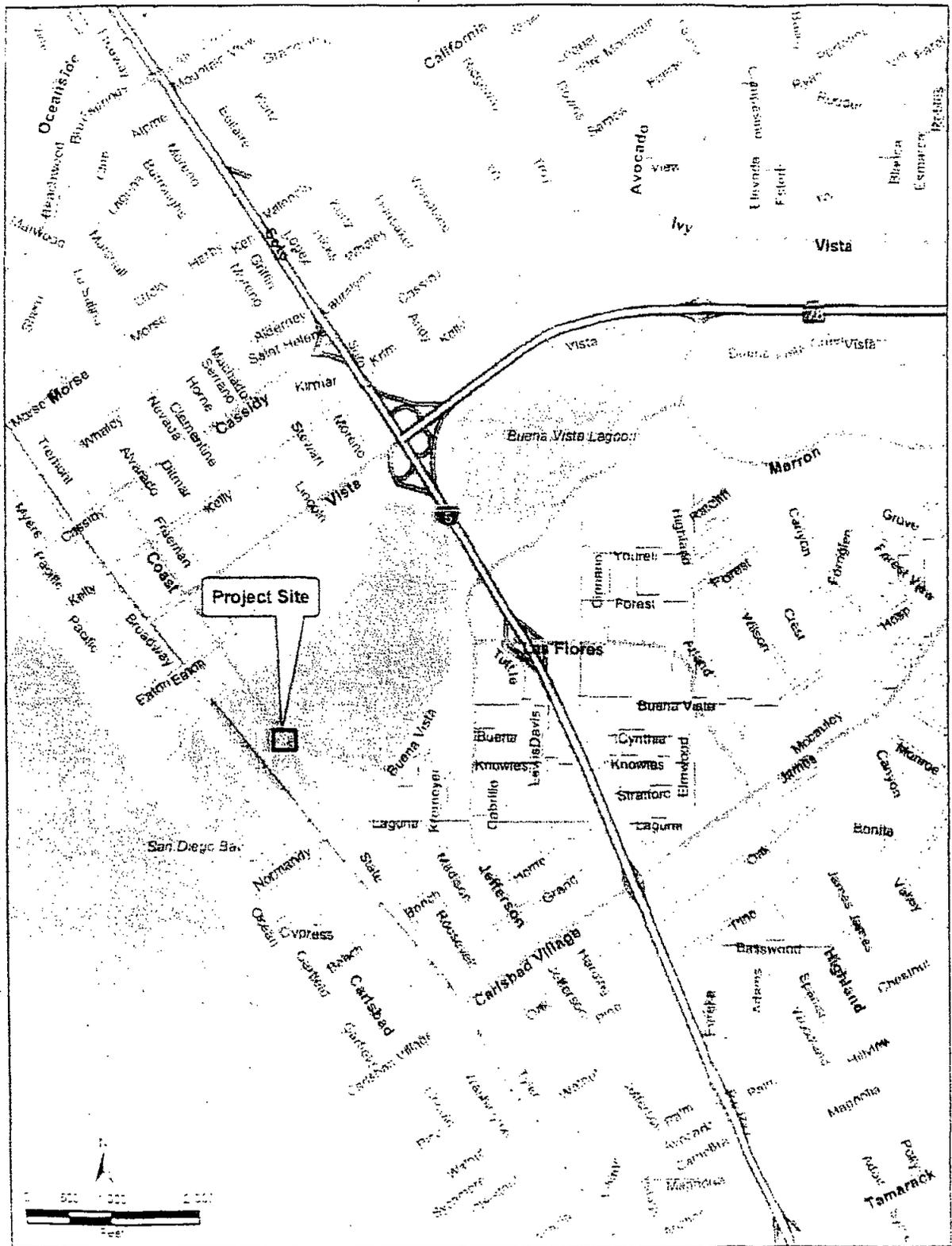
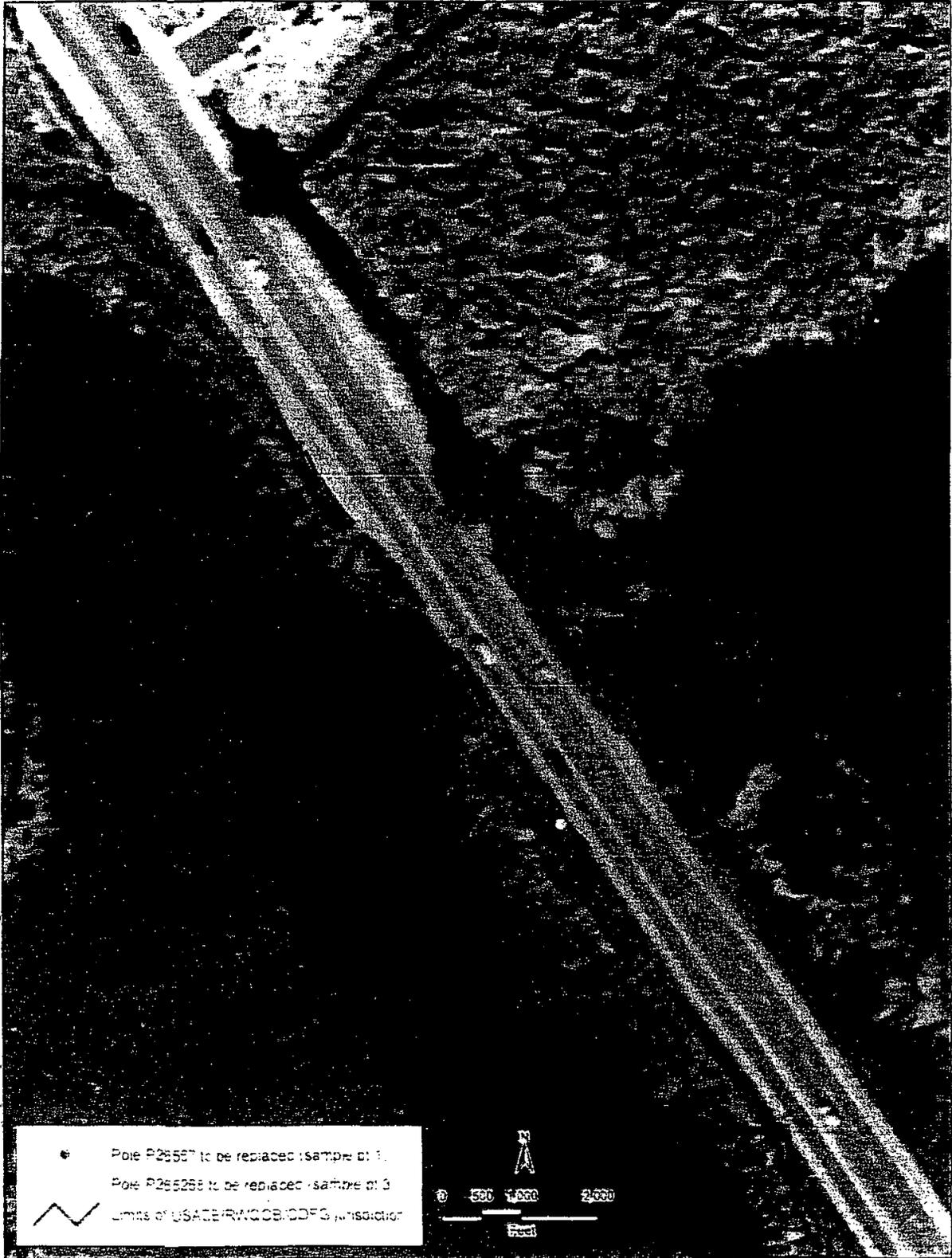


Figure 2  
Project Vicinity  
SDGE - Carlsbad



Pole Replacements, P26567 & P265268, Carlsbad  
ETS#: 6006

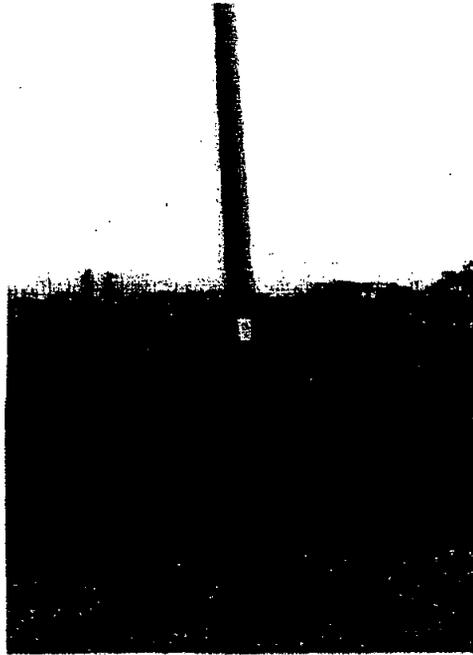


Photo 1 - Pole P26567, facing west



Photo 2 - Sample Pit 1, north of P265267

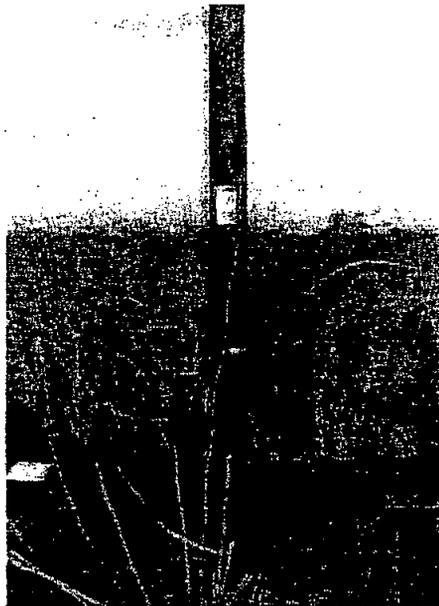


Photo 3 - Pole P265268. facing west



Photo 4 - Sample Pit 3. north of P265268



Photo 5 -Lagoon edge, facing south

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Willie Gaters  
 SDGE  
 8315 Century Park Court  
 CP21E  
 San Diego CA  
 92123-1548

2. Article Number  
 (Transfer from service label)

7009 1410 0002 2347 4398

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PS Form 3811, February 2004 5-11

Domestic Return Receipt

M. Porter

102595-02-M-154



7009 1410 0002 2347 4398

U.S. Postal Service <b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To: Willie Gaters SDGE Street, Apt. No., or PO Box No.: 8315 Century Park Ct CP21E City, State, ZIP+4: San Diego CA 92123-1548	
PS Form 3800, August 2006 <span style="float: right;">See Reverse for Instructions</span>	

0400000000